

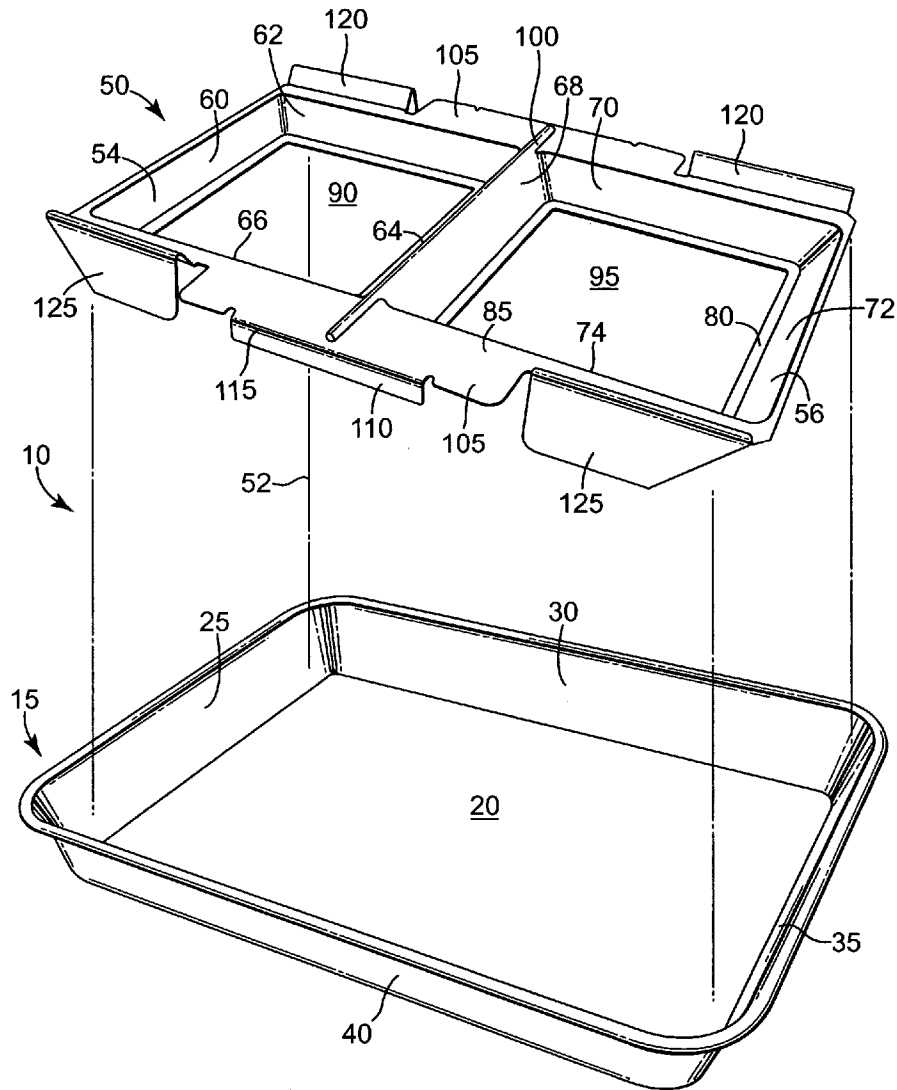
**REMARKS:**

Claims 1-9 and 14 are pending and under examination in the present application.

In the Office Action dated February 22, 2008, the Examiner initially rejected claims 10-13 and 31 of the present application pursuant to 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,402,714 issued to Deneault et al. (“Deneault”). The Examiner also rejected claim 14 of the present application pursuant to 35 U.S.C. § 103(a) as being unpatentable over Deneault in view of U.S. Patent No. 5,622,742 issued to Carollo (“Carollo”). The Examiner also rejected claims 1-2 and 5-8 of the present application pursuant to 35 U.S.C. § 103(a) as being unpatentable over Carollo in view of Deneault. Finally, the Examiner rejected claims 3-4 and 9 of the present application pursuant to 35 U.S.C. § 103(a) as being unpatentable over Carollo in view of Deneault and further in view of U.S. Patent No. 3,899,962 issued to Federico (“Federico”).

Before discussing these rejections and the specific claims of the present application, Applicants believe it to be beneficial to review the features and advantages of the present invention in order to place the discussion of the claims in proper context.

The present invention is an apparatus for holding multiple pizzas, including a pan 15 with a bottom 20 and an insert 50 adapted to fit within the pan 15. The insert 50 has a plurality of sidewalls that extend between a base plane or base 80 of the insert and an upper portion or plane 85 of the insert 50. These sidewalls surround a plurality of openings 90, 95 defined in the base 80 by the insert 50. In other words, the insert 50 has open end(s) to allow dough placed in the insert to contact the bottom 20 of the pan 15 supporting the insert 50. This general construction is illustrated in Figure 1, as reproduced below:



**Fig. 1**

When dough for multiple pizzas is placed over and into the insert 50, each of the multiple pizzas contact not only the sidewalls of the insert 50, but also the bottom 20 of the underlying pan 15.

Referring now to one of the primary references cited against claims of the present

application, Carollo teaches a method of making stuffed pizzas and/or stuffed sandwiches, including a pan 20 having a base plate 34 that defines holes 46A that serve as means for mounting cavity sections (i.e., inserts) 36A-36D. *See* column 3, lines 55-65. However, each insert 36A-36D has a generally planar bottom wall 38 and a frustoconical side wall 40 that projects up from the bottom wall 38. *See* column 3, lines 36-40 and FIG. 2. Thus, when the inserts 36A-36D are placed in the base plate 34, the resultant pan resembles a common cupcake pan, with the only difference being that the individual “cups” are removable. When dough is placed over this pan and into an insert 36A, the base 28 of the dough shell 24 contacts the bottom wall 38 and side wall 40 of the insert 36A. *See* column 3, lines 15-29 and FIG. 4. The dough 24 does not pass through the insert 36A to contact an underlying pan or support.

Referring now to another of the primary references cited against claims of the present application, Deneault teaches a fondue pot having dividers to separate the pot into discrete compartments and to eliminate the problem of losing meat on a fork when forks accidentally get in the way of each other. *See* column 1, lines 25-28. These dividers also limit how far lost meat can stray in the fondue pot, facilitating retrieval of the lost meat. *See* column 1, lines 29-32. In one embodiment, the divider is a vegetable steamer-like container 38, which includes four partitioning walls 56a-56d to form the separate compartments. *See* column 4, lines 10-12 and lines 58-62. The base wall 40 and blades 50 of this container 38 define a plurality of through-bores, 34', 34''. *See* column 4, lines 42-44. However, such through-bores 34', 34'' would not allow for the meat stored and cooked in the separate compartments to contact the bottom wall of the fondue pot itself, but rather only for the passage of the meat soup (or broth) from the fondue pot into the compartments.

Referring now to the claims of the present application, claim 1 recites an apparatus that holds multiples pizzas, comprising a pan and an insert adapted to fit within the pan. The insert comprises “a plurality of sidewalls extending between a base of the insert and an upper portion of the insert, the sidewalls generally surrounding a plurality of openings defined in the base....” Thus, when the insert is fit within the pan, there is an opening through the bottom of the insert, such that “each of the multiple pizzas contacts a bottom of the pan and the sidewalls of the insert.” Although Carollo describes an insert that fits in a pan, each insert 36A includes a bottom wall 38. Thus, when dough is placed over and into an insert 36A, the base 28 of the dough shell 24 contacts the bottom wall 38 and side wall 40 of the insert 36A. The dough 24 does not pass through the insert 36A to contact an underlying pan or support.

The Examiner recognized this distinction and thus further cited Deneault for its teachings regarding the placement of through-bores 34', 34'' in the base of the container 38 that separates the fondue pot into compartments. However, even if the teachings of Carollo and Deneault could be combined as suggested by the Examiner<sup>1</sup>, such teachings still would not result in the apparatus recited in claim 1. Specifically, if the container 38 with its through-bores 34', 34'' were placed into the pan described by Carollo, the dough still would not contact an underlying pan or support. Rather, by effectively placing holes through the bottom wall 38 of the insert 36A in Carollo, the only result would be that dough could “escape” through the bottom wall 38 of the insert 36A, and there would be no underlying pan or support below the insert 36A to stop the

---

<sup>1</sup> For purposes of this response only, Applicants are assuming that the combination of prior art references was proper. However, although Carollo and Deneault may each describe a food cooking apparatus, there are stark differences between a pizza pan and a fondue pot, and Applicants are skeptical whether there is a reason for one of ordinary skill in the art to combine these teachings absent the “blueprint” provided in the present application.

“escaping” dough. In short, the resultant pan would be useless for supporting the multiple pizzas as taught in the present invention.

Therefore, irrespective of the propriety of combining the cited prior art references, Applicant respectfully submits that the prior art references do not teach or suggest all of the limitations of independent claim 1, as is required to establish a *prima facie* case of obviousness, pursuant to 35 U.S.C. § 103(a) and M.P.E.P. § 706.02(j). Thus, Applicants respectfully submit that independent claim 1 is now in condition for allowance. Furthermore, claims 2-9 depend from claim 1 and are each believed to be allowable at least for the reasons set forth above with respect to claim 1.

Claim 14 recites an insert adapted to fit within a pan, rather than a combination of an insert and a pan. However, claim 14 otherwise include limitations almost identical to those found in claim 1 and is believed to be in condition for allowance in view of the arguments presented above with respect to claim 1.

Claims 10-13 and 31 have been cancelled.

Having fully responded to the rejections set forth in the Office Action dated February 22, 2008, Applicants respectfully request allowance of all claims now pending and under examination in the present application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D. Nagle Jr.", with a stylized flourish at the end.

David W. Nagle, Jr., Reg. No. 42,923

Robert C. Yang, Reg. No. 57,406

**STITES & HARBISON, PLLC**

400 W. Market Street

Louisville, Kentucky 40202-3352

Phone (502) 587-3400

Facsimile (502) 779-6037